

REMARKS

This Response is submitted in reply to the Office Action dated March 18, 2004. Claims 1, 13, 24 and 31 have been amended. Claims 34 to 38 have been added. No new matter has been added by any of these amendments. Claim 19 stands canceled without prejudice or disclaimer. Claims 29 to 33 stand allowed.

A check in the amount of \$158.00 is submitted herewith to cover the cost of the new Claims. Please charge Deposit Account No. 02-1818 for any insufficiency of payment or credit for any overpayment.

The Office Action rejected Claims 1, 2, 13 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Barrie in view of Kamille.

Barrie relates to a gaming device wherein a player is enabled to pick one of a plurality of choices or selections (i.e., doors). After the player picks a selection, one of a plurality of classes is randomly assigned to the picked selection. The assigned class is either a reward class, a lose class or a win class. If the assigned class is a reward class, the player is provided a reward and the game ends (page 2, lines 64 to 68). If the assigned class is a lose class, the game ends (page 2, lines 37 to 41). If the assigned class is a win class, the player is enabled to accept a designated reward or to attempt to obtain a larger reward and pick one of another plurality of choices or selections (page 2, lines 41 to 52). If the player accepts the designated reward, the player is provided the designated reward and the game ends. If the player chooses to pick one of another plurality of choices or selections, the game proceeds as described above until the player is provided a reward or a lose class that is assigned to the player picked selection (page 2, lines 53 to 76).

Kamille relates to a gaming device for playing a selection game. Each game includes a number of concealed selections. In one embodiment, the game starts by the player selecting one spot or area. The selected spot is revealed to uncover either a directional symbol, a win symbol with an associated award or a lose symbol (col. 5, lines 61 to 67). If a directional symbol is revealed, taking the form of an arrow or pointer, the player is directed to select another specific spot or area with their next selection. The player's next selection is limited to the specific spot or area which the

directional symbol indicates. If a lose symbol is revealed, the game ends. If a win symbol is revealed, the player is provided the award associated with the win symbol and the game ends. In one embodiment, each of the selections is associated with a win symbol, thus guaranteeing a winning outcome of the selection game. In another embodiment, each of the selections is associated with a void or lose symbol, thus guaranteeing a losing outcome of the selection game.

Applicants respectfully disagree with the combination of Barrie and Kamille and reiterate the reasoning as discussed in the Response to Office Action dated January 7, 2004. Moreover, in responding to Applicants' arguments as set forth in the Response to Office Action dated January 7, 2004, the Office Action states that "neither Barrie nor Kamille disclose that an item should not be assigned to all symbols." The Office Action further concludes that the combination of Barrie with Kamille when considered in their entirety, collectively suggest a selection game in which an award item is assigned to all selections. Applicants respectfully disagree with this line of reasoning. Applicants respectfully submit that a reference not "not disclosing subject matter" is significantly different than the reference disclosing the subject matter. Nonetheless, as discussed during the interview, Applicants have amended certain of the claims to further distinguish over Barrie and Kamille.

Amended independent Claim 1 is directed to a gaming device including, amongst other elements, a plurality of independent rounds wherein a controller is operable to randomly determine for each of a plurality of the independent rounds whether to assign an item to at least one, a plurality of or all of the plurality of symbols, wherein the determination for each round is independent of the other rounds.

As discussed during the interview, neither Barrie nor Kamille teach, disclose or suggest a gaming device with a plurality of rounds, wherein the determination for each round is independent of the other rounds. Rather, in both Barrie and Kamille and the gaming device resulting from the combination of Barrie and Kamille, the outcome of one round directly influences the outcome of another round. In Barrie and Kamille, the player's decision of which selection to pick directly influences which selections, if any, will be available for the player to subsequently pick. As agreed upon during the

interview, in Barrie and Kamille, access to a round is dependent on an outcome in a preceding round. For example, in both Barrie and Kamille, if the player's picked selection is associated with a lose class/lose symbol, the game ends and no selections are available for the player to subsequently pick. Moreover, in Kamille, if the player's picked selection is associated with a directional symbol, the player is directed to select another specific spot or area with their next selection. Accordingly, as discussed during the interview, in the gaming device resulting from the combination of Barrie and Kamille, the outcome of one round directly influences the outcome of another round. On the other hand, in the gaming device of amended independent Claim 1, the determination for each round is independent of the other rounds. For this reason, Applicants respectfully submit that amended independent Claim 1 is patentably distinguished over the combination of Barrie and Kamille and in condition for allowance.

Claims 2 and 12 depend directly from Claim 1 and are also allowable for the reasons given with respect to Claim 1, and because of the additional features recited in these claims.

Similar to amended independent Claim 1, amended independent Claim 13 is directed to a method for operating a gaming device including, amongst other elements, providing a plurality of independent rounds, wherein the item is assigned to a different number of symbols in each of a plurality of the rounds and the determination in each of the rounds is independent of the other rounds. As discussed during the interview, unlike the gaming device resulting from the combination of Barrie and Kamille, in the method of operating a gaming device of amended independent Claim 13, the determination in each round is independent of the other rounds. For this reason and the reasons described above with respect to amended independent Claim 1, Applicants respectfully submit that amended independent Claim 13 is patentably distinguished over the combination of Barrie and Kamille and in condition for allowance.

Claim 22 depends directly from Claim 13 and is also allowable for the reasons given with respect to Claim 13, and because of the additional features recited in the claim.

The Office Action rejected Claims 3, 4, 11 and 12 under 35 U.S.C. §103(a) as being unpatentable over Barrie in view of Kamille in further view of Demar.

As discussed during the interview, unlike the gaming device resulting from the combination of Barrie, Kamille and Demar, in the gaming device of Claims 3, 4, 11 and 12, the determination for each round is independent of the other rounds. For this reason, Applicants respectfully submit that the Claims 3, 4, 11 and 12 are patentably distinguished over the combination of Barrie, Kamille and Demar and in condition for allowance.

The Office Action rejected Claims 14, 17 and 24 to 28 under 35 U.S.C. § 103(a) as being unpatentable over Barrie in view of Kamille, in further view of Yoseloff.

As discussed during the interview, unlike the gaming device resulting from the combination of Barrie, Kamille and Yoseloff, in the method of operating a gaming device of Claims 14, 17 and 24 to 28, the determination in each round is independent of the other rounds. For this reason, Applicants respectfully submit that the Claims 14, 17 and 24 to 28 are patentably distinguished over the combination of Barrie, Kamille and Yoseloff and in condition for allowance.

The Office Action rejected Claims 5 to 10 and 15 to 21 under 35 U.S.C. § 103(a) as being unpatentable over Barrie in view of Kamille and Demar and in further view of Yoseloff.

Claim 5 is directed to the gaming device of Claim 1 which includes a table of numbers that designate how many rounds the player has in which to select from the plurality of symbols when the item is assigned to a percentage of symbols of the group. As discussed during the interview, the gaming device resulting from the combination of Barrie, Kamille, Demar and Yoseloff, does not disclose, teach or suggest a gaming device wherein the determination for each round is independent of the other rounds. On the other hand, Claim 5 discloses a gaming device wherein the determination for each round is independent of the other rounds. For this reason, Applicants respectfully submit that Claim 5 is patentably distinguished over the combination of Barrie, Kamille, Demar and Yoseloff and in condition for allowance.

Claims 6 to 10 depend directly from Claim 5 and are also allowable for the reasons given with respect to Claim 5, and because of the additional features recited in these claims.

Claim 15 is directed to the method of Claim 13, which includes the step of after the random determination is made to assign the item to one, the plurality or all of the symbols, selecting from a table associated with the determination, one of a plurality of probabilities that the item will be assigned according to the determination in the plurality of rounds. As discussed during the interview, the gaming device resulting from the combination of Barrie, Kamille, Demar and Yoseloff does not disclose, teach or suggest a gaming device wherein the determination for each round is independent of the other rounds. On the other hand, Claim 5 discloses a gaming device wherein the determination for each round is independent of the other rounds. For this reason, Applicants respectfully submit that Claim 15 is patentably distinguished over the combination of Barrie, Kamille, Demar and Yoseloff and in condition for allowance.

Claims 16 to 18 and 20 to 21 depend directly from Claim 15 and are also allowable for the reasons given with respect to Claim 15, and because of the additional features recited in these claims.


New Claims 34 to 38 have been added. Applicants submit that new Claims 34 to 38 are directed to a gaming device which corresponds to the allowed method Claims 29 to 33. Accordingly, Applicants respectfully submit that new Claims 34 to 38 are in condition for allowance.

An earnest endeavor has been made to place this application in condition for allowance and is courteously solicited. If the Examiner has any questions related to this Response, applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY

A handwritten signature in black ink, appearing to read 'Holby M. Abern', is written over a horizontal line.

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